

**RULES  
OF  
DEPARTMENT OF REVENUE  
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2  
GENERAL PROVISIONS**

**560-2-2-.16 Emergency Movement of Alcoholic  
Beverages - General Provisions.**

(1) Whenever any Licensee's Place of Business is threatened with destruction or looting because of riot, civil disorder or natural disaster, the Licensee is authorized to transport its supply of Alcoholic Beverages to a secure location by any means of any transportation available.

(2) The Licensee shall notify the Commissioner as soon as practical.

(3) In any such case the Licensee shall cease business and shall not reopen without the express written approval of the Commissioner.

(4) Upon approval for reopening, the Licensee shall be permitted to transport the Alcoholic Beverages back to the licensed location at a time, date and in a manner as agreed to by the Commissioner

Authority: O.C.G.A. § 3-2-2.

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**560-2-2.17 Trade Practices – Inventory Set and Resets; Notification - General Provisions.**

(1) Upon the request of a Retailer or Retail Consumption Dealer, Wholesalers, at their option, **may** conduct a single initial setting of Alcoholic Beverages at the Retailer's or Retail Dealer's location.

(2) Upon the request of Retailer or Retail Consumption Dealer, Wholesalers, at their option, **may** conduct the re-setting of assigned Brand Labels once per calendar year at the Retailer's or Retail Dealer's location.

(3) Each Retailer or Retail Consumption Dealer shall notify the Department and all applicable Wholesalers on Form ATT-188 of such sets or resets no less than ten (10) business days prior to the scheduled date.

(a) Participation in a scheduled set or reset by any Wholesaler is completely voluntary and is subject to equal terms being available to all Wholesalers;

(b) All Retailers or Retail Consumption Dealers and participating Wholesalers must maintain a copy of the notification at their licensed premise for three (3) years.

(4) A set or reset may only be performed Monday through Friday from 7:00 a.m. to 7:00 p.m., excluding state holidays.

(5) During a set or reset a Wholesaler may move or touch only its assigned Brand Labels.

(a) The Wholesaler may request that the Retailer or Retail Consumption Dealer remove a Brand Label that is located in Wholesaler's assigned space but are not Brand Labels assigned to that Wholesaler;

(b) If the Retailer or Retail Consumption Dealer declines to remove the Brand Labels then the shelf space shall be deemed assigned to that Brand Label.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6.

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**560-2-2-.18 Trade Practices – Point-of-Sale  
Advertising - General Provisions.**

(1) A Wholesaler, Broker, Importer, or Manufacturer is only authorized to distribute to a Retailer or Retail Consumption Dealer, without cost, generic point-of-sale advertising materials for use inside the licensed Place of Business.

(a) The materials may be provided without charge for use inside a retail location to attract consumer attention to specific Alcoholic Beverages, provided that all such materials shall be available on equivalent terms to all accounts of the Wholesaler;

(b) Where products are not generic point-of-sale advertising materials within the meaning of this Regulation, or the products are intended for exterior use, such materials must be invoiced to the Retailer or Retail Consumption Dealer and paid for based upon fair market value.

(2) Generic point-of-sale advertising materials do not include items for use that are of a permanent or semi-permanent nature, are constructed or created on the premise of a Retailer or Retail Consumption Dealer are affixed or attached in any way to the exterior premise, and that refer specifically to a Retailer or Retail Consumption Dealer.

(3) It shall be a violation by the Retailer or Retail Consumption Dealer to use any point-of-sale material provided without charge on the exterior of their premises.

(4) A Wholesaler, Broker, Importer, or Manufacturer who performs any service or provides general point-of-sale advertising items to Retailers or Retail Consumption Dealers shall make such service or items available on equal terms to all Retailers and Retail Consumption Dealers within its designated sales territories.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6.

PROPOSED

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**560-2-2.19 Trade Practices – Promotional Items  
and Marketing Events - General Provisions.**

(1) All promotional items and marketing events are to be available on equal terms to all similarly situated accounts of the sponsoring party.

(2) Banners for internal or external use at promotional events as defined by regulation may be provided at no cost to the non-Licensee and may be displayed at the event.

(a) The banners shall not refer to any specific Retailer or Retail Consumption Dealer or to the fact that an Alcoholic Beverage business is located at or in the promotional event location.

(3) A Wholesaler, Broker, Importer, or Manufacturer may provide promotional items, excluding tobacco products, Alcoholic Beverage, or lottery products directly to consumers on the premises of a Retailer or Retail Consumption Dealer provided that all patrons are given an equal chance for such items without charge and without any purchase being required.

(a) Permitted Wholesaler, Broker, Importer, or Manufacturer employees or agents must be present to provide the items to patrons;

(b) These items shall be delivered concurrently with the arrival of the permitted agents or employees and such employees or agents must remove any items not distributed upon their departure.

(4) A Wholesaler, Broker, Importer, or Manufacturer may not make any payment, reimbursement, or compensation of any kind or character to any Retailer or Retail Consumption Dealer for any purpose, either directly or indirectly, or through a third-party arrangement.

(5) A Wholesaler, Broker, Importer, or Manufacturer may conduct "marketing events" in Georgia.

(a) The marketing event shall be at no cost to the participants;

(b) The person promoting or sponsoring the marketing event ("promoter") shall notify all of its accounts within its sales territories of the marketing event;

(c) If the marketing event cannot accommodate all of the accounts of the promoter, then the promoter shall timely notify all accounts and advise them that due to a limitation there will be a drawing to select which accounts will attend the event;

1. The promoter shall provide, without cost to its accounts, a reasonably acceptable means for interested parties to register for the drawing, or in the alternative, upon notification place all of its accounts into the drawing for selection.

2. The promoter shall notify all accounts of the winner or winners as applicable.

(d) For purposes of this regulation the term "marketing event" means any marketing activity sponsored by Wholesalers, Brokers, Importers, or Manufacturers during which the total value of all non-alcoholic items given by a Wholesalers, Brokers, Importers, or Manufacturers may not exceed \$300 per Brand in a single retail establishment in a rolling twelve month period;

1. A "rolling" twelve month period is defined as the twelve months prior to the most recent occurrence.

2. Wholesalers, Brokers, Importers, or Manufacturers may not pool or combine dollar limitations in order to provide products or services to a Retailer or Retail Consumption Dealer valued in excess of \$300 per Alcohol Type.

3. The following are not considered "marketing events" as defined in these regulations:

(i) Licensed Special Event as provided for in Regulation 560-2-11-.02;

(ii) Trade Show as provided for in Regulation 560-2-2-.22;

(iii) Promotional Events as provided for in Regulation 560-2-2-.20.

(e) For two years after the date of each marketing event, Wholesalers, Brokers, Importers, or Manufacturers shall keep and maintain records of all items furnished to Retailers or Retail Consumption Dealers under this Regulation;

1. Commercial records or invoices may be used to satisfy this record-keeping requirement if the following required information is shown:



(i) The name and address of the Retailer or Retail Consumption Dealer receiving the item;

(ii) The date furnished;

(iii) The item furnished;

(iv) The Wholesalers, Brokers, Importers, or Manufacturer's cost of the item furnished (determined by the Manufacturer's invoice price of the item); and

(v) Charges to the Retailer or Retail Consumption Dealer for any item.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6.

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**560-2-2-.20 Promotional Events - General Provisions.**

(1) Any Alcoholic Beverage Licensee may sponsor or cosponsor a promotional event with any other promoter, provided the promoter is not an Alcoholic Beverage Licensee, and the location of the event is licensed as a Retailer or Retail Consumption Dealer.

(2) The Alcoholic Beverage Licensee shall not pay or otherwise provide any consideration to any other Licensee located at, or within the publicly owned stadium, park, coliseum, or auditorium where the promotional event is held.

(3) Advertising promoting a promotional event shall not refer to any specific Alcoholic Beverage Licensee or to the fact that an alcohol licensed business is located at, or within the publicly owned stadium, park, coliseum, or auditorium.

(a) Nothing in this Regulation shall be construed to prevent advertising which includes the name of the sponsor, the promotional event, or the name of the publicly-owned stadium, park, coliseum, or auditorium at which the promotional event is held.

(4) No agreement between any of the parties promoting a promotional event shall limit the sale of Alcoholic Beverage products during the promotional event to specific types or

Brands of Alcoholic Beverages or prohibit the sale of certain types or Brands of Alcoholic Beverages during the promotional event.

Authority: O.C.G.A. § 3-2-2.

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**560-2-2.21 Prohibited Advertising - General Provisions.**

(1) No advertising of Alcoholic Beverages shall be published or disseminated in Georgia which:

(a) Contains any statement, design, or pictorial representation which falsely implies that the product has been endorsed, made, or used by, or produced for, or under the supervision of or in accordance with the specification of any religious organization, the United States government, the government of Georgia or any other domestic governmental entity;

(b) Contains any reference, directly or indirectly, which falsely implies an endorsement by, or relationship with, any school, college, or university athlete, or any school, college or university;

(c) Is directed to, or promotes in any way the sale of Alcoholic Beverages to, persons under the legal age to purchase Alcoholic Beverages in Georgia.

Authority: O.C.G.A. § 3-2-2.

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**560-2-2-.22 Trade Show - General Provisions.**

(1) For purposes of this Regulation, the term "trade show" shall be an exhibition organized and hosted by a licensed Wholesaler, Broker, Importer, Shipper, or Manufacturer for the purpose of providing information regarding new Alcoholic Beverage products.

(a) A Wholesaler, Broker, Importer, Shipper, or Manufacturer may conduct twelve (12) trade shows per calendar year at its licensed Place of Business or at a Retailer Consumption Dealer's Premises;

(b) A trade show hosted by a Broker, Importer, Shipper or Manufacturer can be attended only by Wholesalers and their employees within the Broker's, Importer's, Shipper's or Manufacturer's sales territory;

(c) A trade show hosted by a Wholesaler can only be attended by, Licensed Manufacturer's Representatives, bona fide journalists Retailers and/or Retail Consumption Dealer's and their respective employees within the Wholesaler's sales territory;

(d) Wholesalers, Manufacturers, Shippers, Importers, Brokers, and their Representatives and agents can accept orders for Alcoholic Beverage products at the trade show.

1. Sale and delivery shall not occur at the trade show.

(e) A licensed Representative of any Broker, Importer, Shipper, Manufacturer or Wholesaler, at the request of the host Licensee, may provide pouring services and product information during any trade show.

1. The trade show host together with the employing Licensee and the permitted Representatives shall be responsible for all acts or omissions of any Representative providing service at the trade show.

(2) A party seeking to conduct a trade show shall make a request in writing to the Commissioner accompanied by the following documents and materials:

(a) A valid license or authorization, if required, from the appropriate local governing authority granting permission to conduct such trade show;

(b) A signed statement from the Wholesaler, Broker, Importer, Shipper or Manufacturer in substantially the following format:

Date: \_\_\_\_\_

Time: Begin: \_\_\_\_\_ End: \_\_\_\_\_

Location Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
(city) (state) (zip code)

The undersigned hereby affirms that:

1. The excise tax, on all alcohol beverages at the trade show has been paid and documentation of payment will be available at the trade show.

2. All (Retailers/Retail Consumption Dealers) (Wholesalers) within the applicant's sales territory have been invited to the event.

3. The event is without charge or cost of any kind to the attendees.

4. The host is paying "fair market value" for the use of any retail licensed premises.

5. All participants will be or have been advised in writing that a participant may only order Alcohol Products during the trade show and shall not receive shipment of orders for product onsite.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

(print or type)

Title: \_\_\_\_\_

Company Name: \_\_\_\_\_

Ga. License No. \_\_\_\_\_

(3) All trade shows shall be approved by the Commissioner or Agents of the Department.

(4) Failure to receive written notification from the Commissioner within fifteen (15) days from the date of receipt of the applicant's request by the Commissioner shall constitute a denial of the request.

Authority: O.C.G.A. § 3-2-2.

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**560-2-2-.23 Manufacturer, Shipper and Wholesaler  
to Make Accurate Invoice - General Provisions.**

(1) No Manufacturer, Shipper, Importer, Broker, or Wholesaler, its agents, or employees, shall:

(a) Make any sale or delivery of any Alcoholic Beverages without a written invoice made concurrently with the sale or delivery, in accordance with requirements of this Regulation;

(b) Make any invoice which falsely indicates prices and terms of any sale;

(c) Insert in any invoice any statements which make the invoice a false record, wholly or in part, of the transaction invoiced or represented on the face of the invoice; or

(d) Withhold from any invoice any statement which properly should be included in it so that in the absence of such a statement the invoice does not truly reflect the transaction involved.

(2) Each sales invoice shall have the name, address and license number of the seller and shall show the following information:

(a) Name, address and license number of purchaser;



- (b) Date of delivery or shipment and invoice number;
  - (c) Brand, Alcohol Type, size of container, amount of cases, number of containers and size of container in each case of Alcoholic Beverage delivered or shipped;
  - (d) The place from which the Alcoholic Beverage was shipped; and
  - (e) Invoices covering sales of Distilled Spirits and Wine shall show, in addition to the above, the total number of liters by tax category.
- (3) For each sale made to a licensed retail location, a Wholesaler shall issue a separate and distinct sales ticket or invoice in compliance with this Regulation.
- (a) The terms and conditions of sale shall at all times be consistent with applicable current price sheet and there shall be no terms or conditions of the transaction that are not readily determinable from the face of the invoice or ticket;
  - (b) A Wholesaler shall not favor specific retail locations and shall sell to retail locations within its territories on substantially the same terms and conditions at all times consistent with these regulations.
- (4) Within twenty-four (24) hours after sale, all sales tickets or invoices must be on file on the premises of the Wholesaler and shall be open for inspection by authorized agents of the Commissioner.

Authority: O.C.G.A. § 3-2-2.

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**560-2-2-.24 Sales by Vending Machines - General  
Provisions.**

No Licensee shall sell, offer for sale, or allow to be sold any Alcoholic Beverages through any vending machine or through any unattended machine.

Authority: O.C.G.A. § 3-2-2.

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**560-2-2-.25 Sales to Minors; Exceptions - General Provisions.**

No Licensee, employee of such Licensee, or any person acting on behalf of, or with the knowledge of such Licensee, shall give, sell, offer to sell, furnish, cause to be furnished, or offer to furnish any Alcoholic Beverage to any person who is under the lawful drinking age as established by Georgia law.

Authority: O.C.G.A. § 3-2-2.

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**560-2-2-.26 Subterfuge - General Provisions.**

Any act which may be construed as a subterfuge in an effort to circumvent any of these regulations shall be deemed a violation of the regulation attempted to be circumvented.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3.

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**560-2-2-.27 Violations; Unlawful Activities -  
General Provisions.**

(1) Any person holding any license, permit, or registration issued pursuant to this Act or any employee or agent of the person who violates any provision of this Act or these regulations, or directs, consents to, permits, or acquiesces in such violation, either directly or indirectly shall, by such conduct, subject the license to suspension, revocation or cancellation.

(a) For purposes of administering and enforcing this Act and these regulations, any act committed by an employee, agent or Representative of a Licensee shall be deemed to be an act of the Licensee.

(2) It shall be a violation of this Act and these regulations for any Licensee, permittee, or registrant to permit any person to engage in any activity on the premises for which the license is issued or within the Place of Business, which is in violation of the laws or regulations of any federal, state, county or municipal governing authority or regulatory agency.

(a) With respect to any such activity, it shall be rebuttably presumed that the act was done with the knowledge or consent of the Licensee; provided however, that this

presumption may be rebutted only by evidence which precludes every other reasonable hypothesis such that such Licensee did not know, assist or aid in such occurrence, or in the exercise of full diligence could not have discovered or prevented such activity.

Authority: O.C.G.A. § 3-2-2.

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**560-2-2-.28 Other Alcoholic Beverages Prohibited  
- General Provisions.**

No Licensee shall keep, possess, or store at the Licensee's Place of Business any Alcoholic Beverages for which the Licensee does not hold a valid license to sell those Alcoholic Beverages at that Licensees Place of Business.

Authority: O.C.G.A. §§ 3-2-2, 3-3-3.

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**560-2-2-.29 Furnishing Alcoholic Beverages When  
Sale Not Permitted; Prohibited - General  
Provisions.**

No Licensee, employee of any Licensee, or any person acting on behalf of any Licensee shall furnish, or give Alcoholic Beverages to any person on any day or at any time when sale of same is prohibited by law.

Authority: O.C.G.A. §§ 3-2-2, 3-3-7, 3-3-20.



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**560-2-2-.30 Non-Registered Brands - General  
Provisions.**

No Person shall move or cause to be moved into Georgia, receive, hold, purchase, give away, sell, or offer to sell in Georgia any Alcoholic Beverages unless the Brand has first been registered with and approved by the Commissioner or his agent as provided in Regulation 560-2-5-.08

Authority: O.C.G.A. §§ 3-2-2, 3-4-152.

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**560-2-2-.31 Invalid Checks - General Provisions.**

(1) Retailers or Retail Consumption Dealers offering checks in payment for purchases of merchandise from a Wholesaler, whether the Retailer or Retail Consumption Dealer is the maker or endorser of such checks shall, upon notification that any check has been dishonored, make immediate payment for that check.

(a) Failure to comply with this Regulation may subject Retailers and Retail Consumption Dealers to a citation.

(2) Wholesalers who receive a dishonored check from a Retailer or Retail Consumption Dealer and secure a criminal warrant or a returned check citation against the Retailer or Retail Consumption Dealer must notify the Commissioner, in writing, within ten (10) days of the date of issuance of the warrant or citation.

(a) The notification shall include all pertinent information associated with the criminal warrant or returned check citation including the county where the warrant or citation was secured, the warrant or citation number, docket number, and/or a copy of the warrant or citation.

Authority: O.C.G.A. § 3-2-2.

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**560-2-2-.32 Notification of Disciplinary Action -  
General Provisions.**

(1) Any Licensee who has any disciplinary action taken against him or his employees by any authority, either municipal, county, State, or federal shall notify the Commissioner or the Commissioner's agents within fifteen (15) days of such action.

(a) The notification must include the complete details of the action taken;

(b) Any Licensee who fails to notify the Commissioner or the Commissioner's agents of such action within the prescribed time may be cited and required to appear before the Commissioner to show cause as to why his license should not be suspended, revoked or cancelled.

(2) Disciplinary action as used in this Regulation means any action taken by any municipal, county, state or federal agency against the Licensee, its employees, or its Place of Business including but not limited to:

(a) Arrests by local, state, or federal authorities of the Licensee or any of its employees;

(b) Citations issued by local, state, or federal authorities, to the Licensee or any of its employees;

(c) Indictments, presentments, or accusations in any local, state, or federal courts against the Licensee or any of its employees;

(d) Convictions of, or penalties imposed pursuant to a plea of nolo contendere or non vult against the Licensee or any of its employees in any local, state, or federal court;

(e) Penalties imposed by any regulatory agency against the Licensee or any of its employees; or

(f) Any other written charges or reprimand by local, state, or federal authorities.

(3) Traffic citations written to the Licensee or any of its employees need not be reported to the Commissioner or the Commissioner's agents.

(4) Civil actions or accusations against the Licensee, or any person, firm or corporation holding a financial interest in the license shall be reported in accordance with paragraph (1) of this Regulation.

(a) Civil actions or accusations against employees of the Licensee need not be reported.

Authority: O.C.G.A. § 3-2-2.

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**560-2-2-.33 Termination of Business and Refunds  
on Close-Out Inventory – General Provisions.**

(1) Upon termination of a Retailer's or Retail Consumption Dealer's business, such Retailer or Retail Consumption Dealer may return to the appropriate Wholesaler such goods as he then has on hand, and the Wholesaler shall accept the return of such goods deemed by such Wholesaler to be saleable at the prices posted by such Wholesaler pursuant to these Regulations at the time such goods were sold.

(a) No Wholesaler shall charge for picking up or taking back any merchandise greater than ten percent (10%) of the value;

(b) In the event of a termination of a Retailer's or Retail Consumption Dealer's business with such goods on hand being returned to the Wholesaler as provided herein, the Wholesaler may defer payment to the Retailer or Retail Consumption Dealer for a period not to exceed thirty (30) days to insure that no security interest is being held by a third party on such merchandise;

(c) With express written permission of the Commissioner, a Retailer or Retail Consumption Dealer terminating its business may sell that portion of his the remaining inventory which the Wholesaler does not accept, to another Retailer or

Retail Consumption Dealer within the same taxing jurisdiction.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3, 3-2-4.

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**560-2-2-.34 Product Recall – General Provisions.**

(1) For products that are unmarketable due to internal content deterioration resulting in the product varying substantially in taste or appearance from the Manufacturer's specifications, the Manufacturer, Shipper or Importer may petition the Commissioner in writing to request authorization to recall such products.

(a) Except in cases where there is an immediate threat to public health and safety, the recall request shall be submitted so that it is received by the Alcohol & Tobacco Tax Division at least fifteen (15) days in advance of the proposed date for initiating the recall and shall specifically detail the reason for the recall including:

1. The extent and scope of the problem with the product(s).
2. The amount in distribution within Georgia.
3. The estimated amount of time needed to complete the recall.

(b) All approved recalls shall be conducted by Wholesalers working in conjunction with the impacted Manufacturer, Shipper, or Importer under terms and conditions agreed to